

Section 15

TERMINATION (4-11-2013)

A. Termination of Housing Assistance

All Participants for whom Phoenix Housing intends to terminate assistance will be provided a written notification informing them of the reason for the proposed termination and the appeal procedures.

1. Phoenix Housing Program Termination of Housing Assistance. During the term of the lease, the Phoenix Housing Program may terminate tenancy on the following grounds:
 - a. Serious or repeated violation of the terms and conditions of the occupancy agreement; or
 - b. Violation of Federal, State or local law that imposes obligations on a tenant in connection with the occupancy or use of the premises; or
 - c. Other good cause. The following are some examples of "other good cause" for termination of tenancy by the Phoenix Housing Program:
 - (i) Failure by the Tenant Family to accept the offer of a new or revised lease.
 - (ii) Tenant Family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or property.
 - (iii) Criminal activity by Tenant, any member of the household, a guest or another person under the tenant's control, that threatens the health and safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity of the premises.
 - (iv) Any drug related criminal activity on or near the premises.
 - a. The manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
 - b. The use or possession (other than with intent to manufacture, sell or distribute), of a controlled substance or drug-paraphernalia. Drug-related criminal activity does not include this use or possession, if the family member can demonstrate that he or she has received treatment and has recovered from such addiction and does not currently use or possess controlled substances.
 - c. Any individual(s) convicted of manufacturing or producing methamphetamine (speed) on the premises of a federally assisted unit shall be permanently denied participation to the Section 8 Voucher, Moderate Rehabilitation, Project Based Voucher, and Shelter Plus Care programs. (Limitations listed below do not pertain to this section.)
 - (v) Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another; any abusive behavior or threats of physical harm or sexual assault; any abuse of a child or dependent person including the neglect, abandonment, or endangerment of that person. Endanger the life, safety or welfare of other persons includes, but is not limited to:
 - a. Sexual Abuse
 - b. Domestic Assault
 - c. Assault
 - d. Stalking

- e. Neglect, Abandonment or Abuse of a Child
- f. Homicide or manslaughter
- g. Mayhem
- h. Arson
- i. Commission of a Crime with a weapon
- j. Burglary
- k. Trespass
- l. Vandalism
- m. Criminal Mischief
- n. Disorderly Conduct- fighting
- o. Interference with official acts causing injury
- (vi) Criminal activity associated with alcohol abuse includes any criminal activity that interferes or could interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents while under the influence of alcohol.
- (vii) If any member of the household is subject to a registration requirement under a sex offender registration program.

NOTE:

- This list of examples is intended as a non-exclusive statement of some situations included in "other good cause," but shall in no way be construed as a limitation on the application of "other good cause" to situations not included in the list. Good cause violations are violations of the lease agreement.
- A conviction for domestic abuse/assault will not constitute cause for termination if the Family member can demonstrate that he or she has completed treatment from a recognized counseling program and no longer engages in violent criminal activity. Verification must be provided. The Phoenix Housing Program shall consider the family member to be continuing to engage in violent criminal activity if the family member has attended and completed a treatment program two times in the past and thereafter is charged with or convicted of abuse/assault.
- Criminal activity associated with alcohol abuse will not constitute cause for termination if the family member can demonstrate that he or she has received treatment from a recognized treatment/counseling program and no longer engages in abusive alcoholic intake.

Time Limitations of termination for criminal activities listed above:

- a. Any participant with two or more convictions classified as simple misdemeanors within a twelve-month period prior to the date the Phoenix Housing Program provides notice to a participant of the determination to terminate assistance shall be denied for twelve months from the date of the most recent conviction.
- b. Any participant with two convictions that are classified as more than simple misdemeanors but less than felony convictions within an eighteen month period prior to the date the Phoenix Housing Program provides notice to a participant of the determination to terminate assistance shall be denied for eighteen months from the date of the most recent conviction.
- c. Any participant with any felony convictions within a three year period prior to the date the Phoenix Housing Program provides notice to a participant of the determination to terminate assistance shall be ineligible for participation for three years from the date of the most recent conviction.
- d. Any participant charged with or convicted of sexual abuse, sexual assault or any other type of violent criminal sexual activity involving a minor child shall be terminated from the program. Additionally participants with any felony convictions of sexual criminal activity

involving a minor shall be terminated and must not have any convictions of drug-related or violent criminal activity within seven years from the date of the Phoenix Housing Program reapplication. If the participant had been institutionalized for the felony conviction, the participant must not have any charges or convictions of drug-related or violent criminal activity within seven years from the release date.

Phoenix Housing will also terminate housing assistance for the following reasons:

- i. If any adult member of the family intentionally commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program the family shall remain ineligible for three years from the date of termination.
- ii. The tenant has failed to promptly notify Phoenix Housing Program that a family member no longer resides in the unit, birth, adoption, or custody of a child and request approval to add the new family member, of any family member absence from the unit, the family shall remain ineligible for one year from the date of termination.
- iii. The family has unauthorized household member(s) residing in the unit. The family shall remain ineligible for three years from the date of termination.
- iv. The family violates any obligations or occupancy agreement under the Phoenix Housing program. The family shall remain ineligible for one year from the date of termination.
- v. The family owes money to the Phoenix Housing program and fails to enter into a repayment agreement or defaults on a repayment agreement, the family shall be terminated. The family shall remain ineligible for one year.

Special Considerations under Violence Against Women Act (VAWA):

If a member of the participant household is a victim or threatened victim of domestic violence, dating violence, or stalking, the victim shall not be penalized by the Phoenix Housing Program by terminating benefits for the victim. If a member of a tenant's household or any guest or other person under the tenant's control engages in criminal activity directly relating to domestic violence, dating violence, or stalking, the victim shall not be penalized by the Phoenix Housing Program with termination of benefits. Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim for purposes of termination of housing benefits. The Phoenix Housing Program will request certification that the incident or incidents are bona fide incidents of abuse according to VAWA. The certification shall include the name of the perpetrator. Documents of supporting evidence will be requested to assist the Phoenix Housing Program in making its decision. The individual must supply documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim has signed or attested to the documentation or the individual must produce a Federal, State or local police or court record of the incident(s). The victim shall provide documents requested by the Phoenix Housing Program within 30 days of the request.

The Phoenix Housing Program shall terminate the assistance to any individual who is a member of the victim's household who engages in criminal acts of violence against other family members. The Phoenix Housing Program will honor court orders addressing rights of access to or control of the property,

including civil protection orders issued to protect the victim and that are issued to address the distribution or possession of property among the household members in cases where a family breaks up.

If a participant had been denied due to a family member engaging in domestic violence, dating violence, or stalking and the perpetrator is no longer in the household, the participant may be considered if that was the only reason the participant was ineligible. The participant will be required to disclose living arrangements made by the perpetrator to the best of their ability and to certify that the perpetrator will not be allowed to reside or stay in the household.